



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

March 21, 2017

The Honorable Kevin Avar
Chair, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB591 *An Act relative to suction dredging in the surface waters of the state*

Dear Chair Avar and Members of the Committee:

Thank you for the opportunity to testify on HB591. This bill would prohibit the use of vacuum or suction dredges by those engaged in recreational prospecting for minerals in surface waters of the state. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

This bill provides definitions relative to recreational mineral prospecting, currently known and regulated as gold dredging, and would specifically prohibit the use of motorized vacuum and suction dredges. Gold dredging in state rivers is presently regulated as a minimum impact project, requiring the prospector to complete an application (see attached), pay a nominal fee, and certify that he/she will adhere to the regulations listed in Env-Wt 304.14. Mechanical, or suction, dredging is presently allowed but restricted to equipment using five-horsepower engines and no greater than four-inch diameter intake nozzles. The application is not specific to any location, so an applicant can dredge for gold in any section of any river in the state, at any time, provided they obtain landowner permission.

Over the years, NHDES has observed that even when conducted according to the above-referenced regulations, suction dredging can cause significant impacts to rivers and their banks. By definition, suction dredging disturbs the riverbed and banks in order to uncover mineral deposits. In addition to disturbing sediments that provide important habitat to fish and other aquatic organisms, suction dredging suspends sediments resulting in short-term turbidity issues immediately downstream and longer term deposition at locations farther downstream. Dragging heavy power equipment over the banks and through other sensitive habitats also impacts the stability of the river and its ecosystem.

Although recreational panning and sluicing for minerals can affect rivers and their banks, the vast amount of materials liberated by gold dredging power equipment dwarfs the impact caused by panning and sluicing. Therefore, rather than recommending to end recreational

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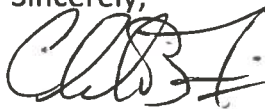
mineral dredging, NHDES recommends eliminating the most damaging practices, which is what HB 591 seeks to accomplish.

NHDES also recommends some changes to HB591. To avoid confusion, we suggest that the bill amend the current language regarding recreational mineral dredging in RSA 482-A:3 (XI) rather than creating a new section as the bill current proposes. The goal of the legislation could be accomplished by replacing the existing statutory language with the language proposed in HB591, and retaining the three following important requirements contained in the current statute:

- Rocker box size cannot exceed ten square feet.
- The state can prohibit all prospecting activities during certain times and in certain locations.
- NHDES and NH Fish and Game may develop a cooperative agreement for enforcement.

Thank you again for the opportunity to comment on HB591. Should you have further questions or need additional information, please feel free to contact either Collis Adams, Wetlands Bureau Administrator (collis.adams@des.nh.gov 271-4054) or Ted Diers, Watershed Bureau Administrator (ted.diers@des.nh.gov 271-3289).

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: Sponsors of HB591: Representatives Oxenham, Gottling, Messmer, Mangipudi, McConnell, Spang, Almy, and Senators Fuller Clark, Hennessey